

Mr. Prinn's ANSWER, TO Mr. Howe's Printed CASE.

MR. Prinn (being inform'd by his Council, That the Matters to be insisted on to induce your Lordships, either to Reverse or Affirm the Judgment given for Mr. Howe, ought to arise only from the Record, which is brought before your Lordships, by the Writ of Error) had no Thoughts to have drawn up any Narrative of the Facts which did attend the Tryal, and other Proceedings in this Cause.

But having seen a Printed Paper handed about, as Mr. Howe's Case, with the Names of his Council thereon, in which several Matters of Fact (Not in the Record) are mentioned, and misrepresented, Mr. Prinn is thereby oblig'd to take notice of the Mistakes in the said Paper.

The 2d Paragraph of the said Paper saith, *That Mr. Prinn, in hopes of preventing Mr. Howe's Election, took all Occasions of Aspersing and Reflecting on him, Before the Free holders of the County.*

Mr. Prinn declares, That he did not take any Occasion to asperse and reflect upon Mr. Howe out of Malice or ill Design against his Person: But whatever Words he did speak of Mr. Howe, when Mr. Howe offer'd himself to stand for one of the Knights of the Shire for the County of Gloucester, were spoken only as his Reasons why he judg'd Mr. Howe to be a Person not fit to be one of the Representatives for the said County: *And this, as a Freeholder, of the said County, he humbly conceives, he has a Right to do.*

And Mr. Prinn doth aver, That he did not speak the Words charg'd on him in the Declaration: And did offer to make Oath of this in Court at the Tryal of the Cause, for Mr. Howe's Satisfaction.

And whereas, at the end of the same Paragraph, Mr. Prinn is charg'd with speaking falsely and maliciously of Mr. Howe, in the Presence of many of the Electors. Mr. Prinn doth aver, That the first Witness (who was a Day Labourer, produced by Mr. Howe) did at the same time swear, *That no body else was then present when the Words he swore to were spoken.*

And whereas it is said, That the Verdict was given upon a full and clear Evidence; and the Words set forth in the 6th Paragraph are laid in Mr. Howe's Declaration to have been spoken to Mr. Baghot, Mr. Prinn does aver, That at the Tryal the Witness produced by Mr. Howe, did swear to Words spoken by Mr. Prinn to Mr. Baghot, whil'st Mr. Little and Mr. Cox were in Mr. Prinn's Company; the Witness not being of the Company, but at a Distance in an Open Fair. And Mr. Prinn, at the said Tryal, did produce the said Mr. Baghot, Mr. Little, and Mr. Cox, who did all of them swear, *That they heard no such Words, nor to any such effect, as the said Witness depos'd to; and believ'd they should have heard them had they been spoken, they standing together with the said Mr. Prinn, and much nearer to Mr. Prinn than Mr. Howe's Witness was when Mr. Prinn, Mr. Baghot, Mr. Little and Mr. Cox were talking together: And Particularly Mr. Cox swore, That he took notice, That Mr. Howe's Witness came and Listen'd to their Discourse, which made him the more observant of what pass'd; And that no such Words were spoken by Mr. Prinn.*

These Mr. Prinn doth aver, Were the only Witnesses Mr. Howe produc'd, and each of them depos'd to different Words.

In the eighth Paragraph 'tis said, *That the Jury were Gentlemen of unquestionable Credit.*

Mr. Prinn hopes that it may not be improper, (since the Words charg'd on him, are relating to Mr. Howe's Election) to take Notice, *That Samuel Eckly, Esq; since Sir Samuel Eckly, was then Sheriff, and known to be a particular Favourer of Mr. Howe.*

Mr. Prinn thereupon applied to the Court of Queen's Bench, to have a Jury struck by the Master of the Office, who made a Rule, *That the Sheriff of Gloucester-shire should return forty eight Persons, out of which each Party was to strike twelve; which Rule Sir Samuel Eckly comply'd with, not by returning the Names of Free-holders in Order as they stood in the Freeholders-Book, but he return'd forty eight, which he pickt here and there, thro' the whole Book, twelve of whom were eminent Voters against Mr. Howe, and were all struck out by Mr. Howe, and the remaining thirty six were as eminent Voters for Mr. Howe, whereby Mr. Prinn's Power of striking out twelve was render'd ineffectual; and tho' Mr. Prinn at that time complained of the Artifice, yet could he obtain no Alteration of the Return of the Sheriff. And this appear'd in the Affidavit of Mr. Prinn, which was read in Court upon the Motion for a new Tryal.*

Mr. Howe (in the two last Paragraphs of his said Printed Paper) does lay a Stress upon his having obtain'd the Opinion of the twelve Judges, *That the Words are Actionable.*

Mr. Prinn begs leave to give this short Account of that Matter, *viz.* That his Counsel did move the Court of Queen's Bench, to have the Judgment stay'd.

But in the Exchequer Chamber, Judgment was affirm'd by Default, occasioned by some Advances made towards an Accommodation of the Differences between Mr. Howe and Mr. Prinn: And so Judgment was affirm'd there without hearing one word said against it.

Mr. Howe, having his Judgment thus affirm'd, levies and receives four hundred fifty three Pound thereon.

Mr. Prinn for his Relief, brings his Writ of Error before your Lordships to reverse the Judgment.

Which he doubts not but to make appear is Erroneous, and ought to be reversed.

*F. a. Mountague.
N. Lechmere.*

Mr. Goldbaw

To be heard the 15th of July
neary Instant.
Mr. Howe's Printed
Cafe in Error.
TO
Mr. Prinn's Answer,